

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**MARKEL AMERICAN INSURANCE)
COMPANY,)**

Plaintiff,)

vs.)

JAMES COOL et al,)

Defendants.)

Case No. 4:11-CV-00717-NAB

MEMORANDUM AND ORDER

On December 12, 2011, the Court held a status conference in this matter in which attorneys Daniel S. Dooley, Roger W. Pecha, and James K. Mondl each participated by telephone. The parties informed the Court that settlement of all claims had been achieved through mediation and that the parties would soon file a joint notice of dismissal of all claims.

Defendant KeyCorp, d/b/a Key Bank, previously filed a motion requesting a date for sale of the yacht at issue in this case. [\[Doc. 30\]](#). During the status conference, counsel for Defendants James and Joann Cool and counsel for Plaintiff Markel American Insurance Company expressly consented to KeyCorp's request that it be immediately allowed to market, sell, or otherwise transfer the yacht. Therefore, based on the express oral consent of all parties involved, the Court orders that Defendant KeyCorp, effective immediately, is allowed to market, sell, or otherwise transfer the yacht and will not be sanctioned or otherwise held liable for spoliation of evidence for marketing, selling, or otherwise transferring the yacht.

Accordingly,

IT IS HEREBY ORDERED that effective December 12, 2011, Defendant KeyCorp, d/b/a Key Bank , is allowed to market, sell, or otherwise transfer the yacht and will not be sanctioned or otherwise held liable for spoliation of evidence for marketing, selling, or otherwise transferring the yacht. [\[Doc. 30\]](#).

Dated this 12th day of December, 2011.

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE